

201 KAR 11:195. Informal settlement procedures.

RELATES TO: KRS 324.160, 324.170, 324.281

STATUTORY AUTHORITY: KRS 13B.070(3), 324.160, 324.170, 324.821

NECESSITY, FUNCTION, AND CONFORMITY: KRS 324.270(1) requires the commission to order a KRS Chapter 13B hearing before ordering any disciplinary action. This administrative regulation is necessary to provide a settlement option after a hearing is ordered to allow opportunity for more economical and expeditious resolution of the pending matter. This administrative regulation establishes the informal settlement process for entry of agreed orders.

Section 1. Settlement by Informal Proceedings. After ordering a hearing, the commission, through its legal counsel, may enter into informal settlement proceedings with the licensee for the purpose of expeditiously resolving any disciplinary matter pursuant to KRS 324.160.

(1)(a) The commission may approve or reject any settlement proposal.

(b) Any matter to which a licensee and the commission's legal counsel have stipulated that is rejected by the commission shall not thereafter bind the parties or the commission.

(2) The board may employ mediation as a method of resolving the matter informally.

(3) All proposed agreed orders shall be signed by the licensee and shall advise the licensee that by entering into an agreed order, the licensee expressly acknowledges that the licensee is fully and completely informed of the due process rights afforded to the licensee under KRS Chapter 324 and KRS Chapter 13B and that the licensee knowingly, willingly, and voluntarily agrees to waive those rights and enter into an agreed order. (42 Ky.R. 631; 1469; eff. 12-4-2015.)